
 <p>TRANSMITTAL FORM</p> <p>(to be used for all correspondence after initial filing)</p>	Complete if Known	
	Application Number	10/768,784
	Filing Date	January 30, 2004
	First Named Inventor	Dale E. HERMAN
	Examiner Name	A.M. Grunberg
	Group Art Unit	1661
Total Number of Pages in This Submission <u>16</u>	Attorney Docket Number	1464-002PP
ENCLOSURES (check all that apply)		

- | | | |
|--|---|--|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Assignment Papers | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input checked="" type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | 1) Certificate of Express Mail Label No. EV207751849US |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) | |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application | REMARKS: | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

SUBMITTED BY		Complete (if applicable)			
NAME & REG. NUMBER	Kenyon L. Schuett, Reg No. 44,324				
SIGNATURE		DATE	October 18, 2004	DEPOSIT ACCOUNT USER ID	



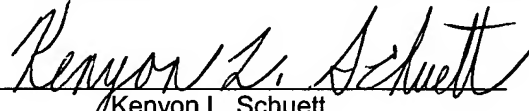
10-20-04

IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	<i>Application Number</i>	10/768,784
	<i>Filing Date</i>	January 30, 2004
	<i>First Named Inventor</i>	Dale E. HERMAN
	<i>Group Art Unit</i>	1661
	<i>Examiner Name</i>	A.M. Grunberg
	<i>Attorney Docket Number</i>	1464-002PP
<i>Title of the Invention:</i> Birch Tree Named 'VerDale'		

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail (post office to addressee) in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on this 18th day of October 2004. The number of the Express Mail mailing label is EV207751849US.


Kenyon L. Schuett
Reg. No. 44,324

AMENDMENT

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed August 10, 2004, please amend the above-identified application as follows:

Applicant requests to provide a substitute specification under 37 CFR 1.125 due to the number of additions, deletions and modifications. Marked-up and clean copies of the substitute specification are attached to this Amendment. Applicant authorizes cancellation of the specification filed originally.